THE LAND ACQUISITION REGULATION AMENDMENT BILL.

Mr. Vieyra.—On behalf of Mr. Sankara Pillai, who is absent to-day, I beg to ntroduce the Bill to amend the Land Acquisition Regulation, III of 1067. The Bill with the Statement of Objects and Reasons has been published in the Gazette and circulated among the Members. I therefore request that the principle of it may be affirmed.

The necessity for an amendment of the existing Regulation has been explained in the Statement of Objects and Reasons. The reasons for the proposed amendments may now be briefly explained.

Under the British Act, the Collector, who deals with land acquisition cases, is not a judicial officer but acts as an agent of Government for the purposes of acquisition. The scope of his enquiry under the Act is not confined to the question of the amount of compensation to be allowed for the land, but extends also to the question of the respective interests of the persons claiming a right to it. But his award is not final and does not bind the persons interested unless they choose to accept it. If they are not so inclined, they are at liberty to apply to him to refer the matter for the determination of the Court, whether the dispute be concerning the measurement of the land, the amount of compensation, the person to whom it is payable or its apportionment among the persons interested; and he is bound to make the reference as applied for.

Under our Regulation, on the other hand, the Division Peishkar is a judicial officer, though the scope of his enquiry is limited to determining the value of the land to be acquired, and his decision is final and binding as other judicial decisions are, subject to an appeal to the Zillah or High Court as the case may be. But he has no jurisdiction to settle disputes regarding conflicting rights to the land or to any portion of the amount of compensation adjudged by him. When such disputes arise, he adjudicates upon the amount of compensation and refers the parties (not the matter of the dispute as under the British Act) to the Civil Court, and it is left to the parties to go to the Court or not. The result is that large amounts adjudged by the Division Peishkar years ago are still pending unclaimed and unpaid.

It is therefore proposed to remedy the existing defect by making a provision in our Regulation, authorising the Division Peishkar to refer these disputes for the decision of the Civil Court as is done by the Collector under the British Act. The 1st para of Section 2 of the Bill is intended to give the necessary power to the Division Peishkar in this respect.

The second para empowers the Division Peishkar to deposit in court the amount of compensation adjudged by him when making a reference under the 1st para. This provision is adopted from the British Act.

The 3rd para prescribes the procedure to be adopted by the Civil Court when a reference is made by the Division Peishkar and is also taken from the British Act. Without a provision to this effect, our Courts cannot deal with such references.

The provision contained in para 4 already exists in our Regulation in respect of appeals preferred from the decision of the Division Peishkar. The same right is sought to be conceded with regard to cases of disputes referred to the Civil Courts. A similar provision exists in the British Act.

All proceedings connected with land acquisition, are exempt from court and stamp fees under the Regulation, but funds for the issue of process to parties &c., will be required by the Civil Courts. Provision is therefore made in the last para to utilise the necessary amount from the sum deposited in Court.

The amendment to Section 18 has been proposed with a view to remove a difficulty often felt. The Division Peishkar can only tender payment and it is for the party to appear and receive the amount. Hence, it is thought necessary to substitute 'tendered' for 'made' as proposed in the Bill.

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Seconded by Mr. Sankara Menon.

Carried.

The Council having affirmed the principle of the Bill, Mr. Vieyra proposed that the Bill be referred to a Select Committee consisting of Messrs Vieyra, Ananda Row and Sankara Pillai to report within two months.

The motion was put and agreed to.

THE ARMS REGULATION AMENDMENT BILL.

Mr. Vieyra.—Sir, I beg to present the Report of the Select Committee on the Arms Bill. The report has been duly published in the Gazette and circulated among the Members. I beg, therefore, that it be taken up for consideration at once.

Seconded by Mr. Sankara Menon.

Carrried.

Mr. Vieyra.—I beg to propose that in Section 2 of the Bill, the words "the 1st Chingom 1085" be substituted for the words "such day as Our Government, by notification in the Official Gazette, appoints".

Seconded by Mr. Sankara Menon.

Carried.

Section 5.

President.—I think that the words "to any person other than a person entitled to possess the same by reason of an exemption under Section 24 of the Regulation", in para 2 of the Section, may be omitted. Ordinarily, it would be well to insist that in every case of sale of arms and ammunition, information should be given to the authorities. If, however, in particular cases or areas, exemption is found desirable, action may be taken under Section 24.

Mr. Vieyra.—I beg to propose that the words "to any person other than a person entitled to possess the same by reason of an exemption under Section 24 of the Regulation" in Section 5, be omitted.

Seconded by Mr. Kuruvila.

Carried.

Section 6.

Mr. Vieyra.—I beg to propose that the second para of the Section be omitted. I think that the existing rule, requiring licenses for the import and export of arms and ammunition in all cases, is good and needs no change.

Seconded by Mr. Kuruvila.

Carried.

Section 7.

Mr. Ananda Row.—I beg to propose that Section 7 be omitted. The word "warehouse" has not, in the first place, been defined in the Regulation, and it appears to me that there is no necessity for such a provision here.

Seconded by Mr. Sankara Menon.

Carried.

Section 10.

Mr. Ananda Row.—I beg to propose that Section 10 be also omitted. The power to arrest people carrying arms under suspicious circumstances may be abused in many cases. For instance, persons taking arms with them to hilly tracts may be supposed to have an intention of using them against the game laws and may therefore be arrested under the Section. For purposes of public safety, I think the provisions of the ordinary law will suffice.

Seconded by Mr. Kuruvila.

Carried.

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